



**MINUTES OF THE BUENA VISTA BOARD OF TRUSTEES  
REGULAR MEETING  
TUESDAY, March 23, 2021**

**MINUTES OF THE MEETINGS OF THE BOARD OF TRUSTEES ARE A TRANSCRIPT OF THE GOVERNING BODY'S ACTIONS RATHER THAN A VERBATIM RECORD OF DELIBERATIONS.**

A virtual/public regular meeting of the Board of Trustees was called to order by Mayor Duff Lacy at 7:02 PM, Tuesday, March 23, 2021, at the Buena Vista Community Center, Pinon Room, 715 E. Main Street, Buena Vista, Colorado, having been previously noticed in accordance with the Colorado Open Meetings Law.

**ROLL CALL**

Attendee Name	Title	Status
Duff Lacy	Mayor	Present
Amy Eckstein	Trustee	Absent
Libby Fay	Trustee	Present
Norm Nyberg	Trustee	Present
Devin Rowe	Trustee	Present
Cindie Swisher	Trustee	Absent
David Volpe	Trustee	Absent

**Town Staff Present:**

Town Administrator Phillip Puckett  
Special Projects Manager Joel Benson  
Principal Planner Mark Doering  
Public Works Director Shawn Williams  
Recreation Director Earl Richmond

Town Attorney Kathryn Sellers  
Town Treasurer Michelle Stoke  
Airport Manager Jack Wyles  
Town Clerk Paula Barnett

**PLEDGE OF ALLEGIANCE**

Mayor Lacy led the pledge of allegiance.

**AGENDA ADOPTION**

**MOTION NO. 1:**

MOVE TO APPROVE THE AGENDA.

<b>RESULTS</b>	<b>CARRIED</b>
<b>MOVER:</b>	Trustee Fay
<b>SECONDER:</b>	Trustee Nyberg
<b>AYES:</b>	Fay, Nyberg, Rowe

## CONSENT AGENDA

*Approval of matters that are routine in nature that require review and/or approval, i.e. minutes and reports. (Professional Service Agreements (PSA) that exceed \$25,000.00 require the Consent Agenda to be approved by a Roll Call vote.)*

### A. Minutes

1. Board of Trustees Regular Meeting – March 09, 2021
2. Beautification Advisory Board – January 07, 2021
3. Historic Preservation Commission – October 1, 2020
4. Historic Preservation Commission – November 5, 2020
5. Historic Preservation Commission – December 3, 2020
6. Historic Preservation Commission – January 7, 2021
7. Tree Advisory Board – February 4, 2021
8. Airport Advisory Board – February 16, 2021

### B. Town Clerk Report

- C. Adoption of Resolution No. 17, Series 2021 entitled "A RESOLUTION EXTENDING THE DECLARATION OF A LOCAL DISASTER EMERGENCY IN AND FOR THE TOWN OF BUENA VISTA, COLORADO THROUGH JUNE 30, 2021."
- D. Adoption of Resolution No. 18, Series 2021 entitled "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, REAPPOINTING MEMBERS TO THE HISTORIC PRESERVATION COMMISSION."
- E. Adoption of Resolution No. 20, Series 2021 entitled "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, REAPPOINTING SARAH KUHN AS A REGULAR VOTING MEMBER OF THE TREE ADVISORY BOARD."
- F. Adoption of Resolution No. 21, Series 2021 entitled "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO UPDATING THOSE PERSONS WHO ARE AUTHORIZED TO SIGN ON THE MUNICIPAL COURT TOWN BANK ACCOUNT."

## MOTION NO. 2:

MOVE TO APPROVE THE CONSENT AGENDA.

<b>RESULTS</b>	<b>CARRIED</b>
<b>MOVER:</b>	Trustee Nyberg
<b>SECONDER:</b>	Trustee Rowe
<b>AYES:</b>	Fay, Nyberg, Rowe

## PUBLIC COMMENT

No Public Comment was received during the meeting. However, on March 22, 2021, the Board received an email from Mary Jane Cavallo stating she is very much in favor of the Trustees amending Chapter 16 establishing a water dedication fee for new developments.

## STAFF REPORTS

1. Town Administrator – Highlights of the report in the packet were reviewed, and Puckett responded to the Trustee's comments and questions.

2. Town Treasurer – Highlights of the report in the packet were reviewed, and Stoke responded to the Trustee's comments and questions.
3. Public Works Director – Highlights of the report in the packet were reviewed, and Williams responded to the Trustee's comments and questions.
4. Principal Planner– Highlights of the report in the packet were reviewed, and Doering responded to the Trustee's comments and questions.
5. Airport Manager – Highlights of the report in the packet were reviewed, and Wyles responded to the Trustee's comments and questions.

## **BUSINESS ITEMS**

### **Public Hearing -Proposed Code Amendments to Chapter 16 Concerning Water Dedication**

Adoption of Ordinance No. 05, Series 2021 entitled, **"AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE BUENA VISTA MUNICIPAL CODE, RENAMING AND AMENDING ARTICLE 16.05 BY THE ADDITION OF A NEW SUBSECTION 16.05.5.3.6 CONCERNING WATER DEDICATIONS AND FEES-IN-LIEU FOR DEVELOPMENT, AMENDING ARTICLE 16.04 BY THE ADDITION OF A NEW SUBSECTION 16.04.4.8.1 CONCERNING THE ADEQUACY OF WATER FOR DEVELOPMENT, AMENDING SUBSECTION 16.03.3.3.4.A CONCERNING ACCESSORY DWELLING UNITS, AND AMENDING SECTION 16.07.7.2 WITH A NEW DEFINITION FOR SINGLE FAMILY DWELLING UNIT."**

Special Projects Manager Joel Benson reviewed with the Board that the Town of Buena Vista recognizes its obligation as a government to support its citizenry's health, safety, and welfare. Historically, any development within Town limits has been supplied with municipal water, and property that annexes into the Town provides its own water supply or pays a cash-in-lieu fee to acquire new rights or augmentation.

While the Town has grown in popularity and development, the Town created a policy to increase housing stock to ease disparity in the housing market and support employers needing staff. These policy changes have spurred a great deal of additional growth and tremendous continued interest in development, increasing demand for water. Benson reviewed with the Board a policy proposal that recognizes if the Town continues to supply water, there must be a funding source to pay for developing Town's water portfolio to alleviate existing tenuous dry year conditions and expand flexibility and supply. The policy proposal assumes an immediacy in capturing such funds while continuing to encourage development.

Benson outlined the proposal with the Board that would require any new development to pay a water dedication fee that the Town would utilize for water rights acquisition, augmentation, and optimization of existing water rights. Projects in final plat, developments with vested rights, and completed applications for building permits are excepted. Benson stated if the Board approves Ordinance No. 05, the code would become regulatory on June 1, 2021. Mayor Lacy opened the hearing for Public Comments, and no comments were received.

Trustee Fay requested the following amendments be made to Ordinance No. 05:

Page 1 – In the third WHEREAS “appoint where a new development” remove the “a”.

Page 2 – Item Number 3. Effect Previous Annexation or Development Approval, insert the word “of” after Effect.

**MOTION NO. 3:**

MOVE TO ADOPT ORDINANCE NO. 05 AMENDING VARIOUS SECTIONS OF THE BUENA VISTA MUNICIPAL CODE RELATED TO WATER DEDICATION FEES AS AMENDED.

RESULTS	ROLL CALL	CARRIED
MOVER:		Trustee Nyberg
SECONDER:		Trustee Rowe
AYES:		Fay, Nyberg, Rowe

**Employee Handbook**

Adoption of Resolution No. 19, Series 2021 entitled, **“A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO AMENDING CERTAIN PROVISIONS OF EMPLOYEE HANDBOOK FOR THE TOWN OF BUENA VISTA, COLORADO.”?**

Puckett reviewed with the Board that Staff is bringing forward a resolution to adopt several amendments to the Town of Buena Vista Employee Handbook. The changes ensure that the Town is compliant with local, state, and federal laws and made updates to ensure all sections align with the current organization structure and policies.

Puckett thanked Deputy Treasurer/Human Resource Director Jana Schumann for her work and dedication to ensure the Employee Handbook is up to date.

**MOTION NO. 4:**

MOVE TO ADOPT RESOLUTION NO. 19 SERIES 2021 AMENDING CERTAIN PROVISIONS OF EMPLOYEE HANDBOOK FOR THE TOWN OF BUENA VISTA, COLORADO AS AMENDED.

RESULTS	ROLL CALL	CARRIED
MOVER:		Trustee Fay
SECONDER:		Trustee Rowe
AYES:		Fay, Nyberg, Rowe

**Water Master Plan Proposal**

Benson reviewed with the Board that Staff is requesting the Board approve the contract with Wright Water Engineers, Inc. to carry out the 2021 Water Master Plan. The current plan was adopted in 2014.

The Water Master Plan is used to analyze Buena Vista’s infrastructure and water rights, setting forth a plan for maintenance, new infrastructure, water rights use, diversifying the water portfolio, and other valuable needs. Wright Water Engineers has been Town’s contracted water

engineering firm for many decades, and the firm very familiar with Town's infrastructure, water rights, and desires of Town.

**MOTION NO. 5:**

MOVE TO ADOPT THE CONTRACT WITH WRIGHT WATER ENGINEERS, INC TO COMPLETE THE 2021 WATER MASTER PLAN.

RESULTS	ROLL CALL	CARRIED
MOVER:		Trustee Rowe
SECONDER:		Trustee Nyberg
AYES:		Fay, Nyberg, Rowe

**TRUSTEE/STAFF INTERACTION**

Benson reviewed with the Board that currently, in the Municipal Code, there is not a restriction on the distance between liquor stores and the public parks. An inquiry has been received on the possibility of a store located next to the Skate Park. If the Board were to consider a restriction, established liquor stores would be exempt from the limitation. The Board agreed to discuss the issue at a future meeting.

Puckett reviewed that per direction from the Board in the Fall of 2020, he, Benson, and Barnett have been working on the request made by Jed Selby, owner of the Surf Hotel, to extend the premise of the hotel liquor license. The extended premise would allow servers and guests to carry alcohol to the lawn, beach, and sidewalk areas surrounding the hotel. The current COVID19 Extended Premise Permit enables servers to bring drinks to the lawn and beach area.

Puckett reviewed that State Liquor Enforcement does not allow a public road open to vehicles to be permanently licensed as a liquor premise. Local licensing authorities may issue permits and easements for public sidewalks to be considered in a liquor premise, but vehicular traffic is not allowed on public sidewalks. For the Surf Hotel to extend its liquor license premise, the Town would have to give ownership of Front Loop and the adjoining sidewalks to Selby, giving him control of the area, and the street closed to public use.

Puckett stated that if the Board were to give Selby control of Front Loop, it would significantly impact the park, surrounding areas, property owners, community members, and tourists. At this time, the staff recommends the Board not to proceed forward with the consideration of giving Selby control of the roadway and sidewalks and not have the topic as a future agenda item. If the Board agrees, Staff will notify Selby of this decision. If Selby wants to pursue the topic, he may address the Board during Public Comment, make a request, and the Trustees direct staff on how to proceed.

The Board discussed the impacts of closing the road and that this action would not be allowed in other areas of town to benefit a business.

**MOTION NO. 6:**

MOVE NOT TO ENTERTAIN THE TOPIC OF RELINQUISHING CONTROL OF FRONT LOOP AND ADJOINING SIDEWALKS TO ALLOW THE EXTENSION OF THE SURF HOTEL LIQUOR PREMISE.

RESULTS	ROLL CALL	CARRIED
MOVER:		Trustee Nyberg
SECONDER:		Trustee Rowe
AYES:		Fay, Nyberg, Rowe

**EXECUTIVE SESSION**

An executive session to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e), concerning the potential annexation and master planning of the Triview property adjacent to the Town Rodeo grounds.

**MOTION NO. 7:**

MOVE TO GO INTO EXECUTIVE SESSION.

RESULTS	CARRIED
MOVER:	Trustee Fay
SECONDER:	Trustee Rowe
AYES:	Fay, Nyberg, Rowe

The Board went into Executive Session at 9:12 pm. Present for the Executive Session were Mayor Duff Lacy, Trustees Libby Fay, Norm Nyberg, Devin Rowe, and Town Administrator Phillip Puckett, Town Attorney Kathryn Sellers, Special Projects Manager Joel Benson, and Recreation Director Earl Richmond.

**MOTION NO. 8:**

MOVE TO ADJOURN FROM EXECUTIVE SESSION AT 9:41 PM.

RESULTS	CARRIED
MOVER:	Trustee Nyberg
SECONDER:	Trustee Rowe
AYES:	Fay, Nyberg, Rowe

Mayor Lacy announced that he and Trustees Fay, Nyberg, and Rowe, the Town Administrator, Town Attorney, Special Projects Manager, and Recreation Director, were present for the Executive Session.

**MOTION NO. 9:**

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THAT THE MEETING BE ADJOURNED AT 9:43 PM.

**RESULTS**

**MOVER:**

**SECONDER:**

**AYES:**

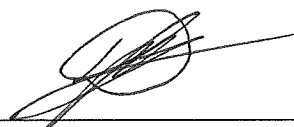
**CARRIED**

Trustee Nyberg

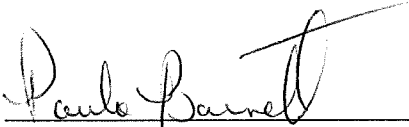
Trustee Rowe

Fay, Nyberg, Rowe

Respectfully submitted:



Duff Lacy, Mayor



Paula Barnett, Town Clerk

